

REMARKS

The Office Action dated October 17, 2006, has been received and carefully noted. The above amendments and the following remarks are being submitted as a full and complete response thereto.

By this amendment, Claims 1 and 2 have been amended. The Applicants submit that the claim amendments are fully supported in the specification as filed, for example, at page 10, lines 8-20, and page 12, lines 1-14, and in Figs. 5 and 6. No new matter has been added. Accordingly, Claims 1 and 2 are currently pending in the application and are subject to examination.

Rejection Under 35 U.S.C. § 103(a)

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogihara (U.S. Patent Application Pub. No. 20002/0075780) in view of Ogawa (U.S. Patent Application Pub. No. 2002/0105864). To the extent these rejections remain applicable to the claims currently pending, the Applicants respectfully traverse the rejection.

Claim 1 recites a disk kind identifying method that identifies a DVD-RW or a DVD+RW, comprising, among other steps, determining whether a cycle of the detected wobble signal is 186 times or 32 times as long as a data cycle, by comparing the cycle of the detected wobble signal to a cycle of at least one reference signal.

Claim 2 recites a disk apparatus which identifies a DVD-RW or a DVD+RW and executes recording and reproducing depending upon a kind of an identified disk, comprising, among other elements, a determiner for determining whether a cycle of the

wobble signal detected by the detector is 186 times or 32 times as long as a data cycle, by comparing the cycle of the wobble signal to a cycle of at least one reference signal.

The Applicants submit that Ogihara and Ogawa, alone or in any combination thereof, fail to teach or suggest at least **comparing the cycle of the detected wobble signal to a cycle of at least one reference signal**, as recited in Claims 1 and 2.

In contrast, Ogihara merely compares a frequency component from a push-pull signal at 140kHz, and a frequency component of the push-pull signal at 810kHz, and compares the two to determine which one is larger, and if they are above a predetermined value (see Ogihara, paragraph [0036]).

Ogawa is cited as allegedly teaching standard clock frequencies and standard groove wobble frequencies of DVD+RW disks. Even if Ogawa teaches this, which Applicants do not admit, Ogawa fails to cure the above-mentioned deficiencies of Ogihara.

Accordingly, Ogihara and Ogawa, alone or in combination, fail to teach or suggest **comparing the cycle of the detected wobble signal to a cycle of at least one reference signal**, as recited in the presently claimed invention.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. M.P.E.P. § 2143.03. For at least the reasons provided above, the Applicants submit that Ogihara in view of Ogawa, either alone or in combination, do not teach or suggest all the elements of independent Claims 1 and 2.

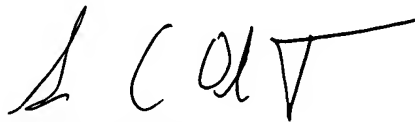
Thus, the Applicants submit that Claims 1 and 2 are allowable over the applied prior art.

Conclusion

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 100341-00046.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. C. Olive', written over a horizontal line.

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